

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.07.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL No.1543 OF 2002

M/s. Southern Industrial
Corporation Ltd.,
Pozhal
Chennai 600 066.

... Appellant (Petitioner)

vs.

State of Tamil Nadu
rep. by its Collector
The Special Tahsildar (LA)
Metrowater
Sriperambudur.

... Respondent (Respondent)

Writ Appeals filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mrs. Justice T. Meenakumari, dated 18.07.2000 made in W.P.No.14210 of 1993 to issue a writ of Mandamus as stated therein.

For appellant :Mr. M. Arvind Subramaniam

For respondent :Mr. P. Wilson
Spl. Govt., Pleader

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JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM,J.)

M/s. Southern Industrial Corporation Ltd., Chennai-66, aggrieved by the order of the learned single Judge dated 18.07.2000 made in Writ Petition No.14210 of 1993, has filed the above appeal.

2. Heard Mr. R. Arvind Subramaniam, learned counsel for the

appellant and Mr. P. Wilson, learned Special Government Pleader for the respondent.

3. Before considering the grievance of the petitioner/appellant, it is useful to refer the relief prayed for in the writ petition, which reads as under:

"to issue a writ of mandamus or any other writ or order in the nature of a writ directing the respondent to pass the award in respect of the acquisition of 3.25 hectares of the petitioner's lands situated in R.S.No.461/1A2 for the respondents Metrowater scheme in the name of the petitioner Company. "

4. The learned single Judge, considering the claim of the petitioner and the stand taken by the respondent, after finding that there is no force in the contentions raised, dismissed the writ petition.

5. Mr. Arvind Subramaniam, learned counsel appearing for the petitioner vehemently contended that the land under acquisition belongs to the petitioner Company and compensation has to be paid only to the petitioner Company.

6. On the other hand, the District Collector, respondent herein, in the counter affidavit filed before the learned single Judge, has specifically stated that the land under acquisition was purchased by one Thiru M.A. Chidambaram Chettiar of Chettinad, "Chettinad House", Raja Annamalipuram, Madras-28 in Doc.No.3555, dated 23.12.1955 and not purchased by the petitioner Company as claimed by the petitioner. It is further stated that in the award enquiry held on 30.03.1993, Thiru T.R. Sriram, Secretary, Southern Industrial Corporation Ltd., Madras-66 did not mention as to whom the payment has to be made. Therefore, the award was passed on 07.05.1993 in the name of M.A.Chidambaram, as he had purchased the land in Doc.No.3555 dated 23.12.1955. In view of the fact that the award was passed on 07.05.1993 on the basis of the information furnished by the Officer concerned, we are of the view that the relief claimed by the petitioner cannot be granted.

7. Further, in the counter affidavit in para-6, the District Collector has stated that on the representations made by the petitioner Company on 21.05.1993 and 09.07.1993, orders have been passed in Proceedings No.505/90 dated 30.07.1993 for payment of compensation in favour of petitioner subject to the disposal of the writ petition filed by the company against the Assistant Commissioner (ULT) for excess Urban Land Taxation and the clearance of debts of Tamil Nadu Industrial Investment Corporation. The officer has also stated that copy of the award was served on the petitioner on 04.08.1993 and the compensation amount has not been paid to M.A. Chidambaram Chettiar, but was ordered to be kept in Revenue Deposit in

the name of the petitioner Company in Proceedings No.505/90 dated 30.07.1993. In para 8 of the counter affidavit the Collector has also stated that the amount of compensation will be paid to the company after the disposal of the writ petition filed by the petitioner against the Assistant Commissioner (ULT) in W.P.No.7282 of 1992 and on the production of clearance certificate of the loan obtained by the Company for Rs.10,00,000/- from Tamil Nadu Industrial Investment Corporation, Madras.

In the light of what is stated above, particularly of the fact that the award has already been passed and the compensation amount is kept in Revenue Deposit in the name of the petitioner Company only and on the production of the clearance certificate of the loan obtained by the company for Rs.10 lakhs from TIIC, the compensation amount would be paid to the petitioner company, no relief is required to be granted in this appeal. Accordingly, the appeal fails and the same is dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The District Collector /
The Special Tahsildar (LA)
Metrowater
Sriperambudur.

+lcc to Mr.M.Arvind Subramaniam, Advocate Sr 28867

PV (CO)
km/10.7.

Writ Appeal No.1543/2002.